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March 15, 2023

Via ECF

The Honorable Indira Talwani
United States District Court Judge
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2300
Boston, Massachusetts 02210

Re: AnywhereCommerce, Inc., et al v. Ingenico, Inc., et al., No: 1:19-cv-11457-IT

Dear Judge Talwani:

I write on behalf of the Defendants in the referenced matter. The purpose of this letter is to request a conference with the Court with respect to the trial schedule.

At the preliminary pretrial conference on March 1, 2023, the Court indicated that in light of its anticipated ruling on the pending cross motions for summary judgment, it was appropriate to push back the pretrial and trial dates by two weeks and to shorten the anticipated trial duration from three weeks to two weeks. Accordingly, it moved the start date of the trial to May 8, 2023.

Unfortunately we have been informed that Defendant's liability expert witness, Dr. Michael Shamos, is not available for trial during that period. Dr. Shamos has other trials scheduled during the scheduled trial in this matter (one in Chicago commencing on May 8, and one in Waco, Texas, on May 15), in addition to professional commitments that cannot be rescheduled (he has a substantial role in the commencement proceedings for Carnegie Mellon, where he is a professor, which will take place on the weekend of May 13-14).

Assuming the pending trade secret claims against Defendants will proceed to trial, Dr. Shamos is a critical witness. We therefore respectfully request a conference at the Court's convenience to address the trial schedule.

We have conferred with counsel for the Plaintiffs, who do not object to this request. In light of their location, we submit that a video conference would be most efficient.

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Respectfully yours,

A handwritten signature in black ink, appearing to read "Jeffrey K. Techentin". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Techentin" clearly distinguishable.

JEFFREY K. TECHENTIN

cc: All counsel of record (by electronic mail)